

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rosen et al.

Docket No.: PZ010P2
Allowed: March 10, 2004

Application No.: 09/973,278; Conf. No. 5790

Patent No.: 6,942,354

Filed: October 10, 2001

Art Unit: 1637

For: SECRETED PROTEIN HHTLF25
ANTIBODIES

Examiner: A. H. Spiegler

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313(c)(2)**

RECEIVED

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 29 2005

OFFICE OF PETITIONS

Sir:

Applicants hereby petition the Commissioner to withdraw the above-identified application from issue in order to permit consideration of the submission under 37 C.F.R. § 1.114 (Request for Continued Examination with an Information Disclosure Statement) being filed herewith. Applicants became aware of the references cited on the enclosed Information Disclosure Statement due to the issuance of a search report in a counterpart foreign application (enclosed as Reference AH), and believe that these references should be considered by the Examiner.

The Issue Fee in this application was timely paid on June 9, 2004, and the application is presently scheduled to issue on August 2, 2005. Accordingly, Applicants respectfully request that this petition be acted upon immediately.

Please charge our Deposit Account No. 08-3425 in the amount of \$920.00 covering the fees set forth in 37 C.F.R. §§ 1.17(h) and 1.17(e) as itemized on the enclosed Fee Transmittal and RCE forms. Please charge any additional fees due, or credit any overpayments, to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R.

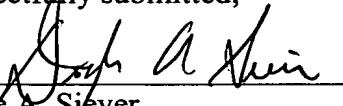
08/01/2005 AKELLEY 00000015 083425 09973278

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§ 1.136, such an extension is requested and the appropriate fee should also be charged to our Deposit Account.

Dated: July 29, 2005

Respectfully submitted,

By 
Doyle A. Siever

Registration No.: 47,088
HUMAN GENOME SCIENCES, INC.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Maryland 20850
(301) 354-3932

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| | | | |
|---|--|------------------------|------------------------|
| PETITION FEE | | Application Number | 09/973,278-Conf. #5790 |
| Under 37 CFR 1.17(f), (g) & (h) | | Filing Date | October 10, 2001 |
| TRANSMITTAL | | First Named Inventor | Craig A. Rosen |
| (Fees are subject to annual revision) | | Art Unit | 1637 |
| Send completed form to: | | Examiner Name | A. H. Spiegler |
| MS 313(c) Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | | Attorney Docket Number | PZ010P2 |

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OFFICE OF PETITIONS

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 08-3425:

Petition fee under 37 CFR 1.17(f), (g) or (h) Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ _____ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.



Signature

July 28, 2005

Date

Doyle A. Siever

Typed or printed name

47,088

Registration No., if applicable